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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,353	12/27/2000	Jainendra Kumar	CISCO-3479	8818
7590 05/08/2006			EXAMINER	
Kenneth D'Alessandro Sierra Patent Group, Ltd. P.O. Box 6149 Stateline, NV 89449			LIPMAN, JACOB	
			ART UNIT	PAPER NUMBER
			2134	

DATE MAILED: 05/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/751,353

**Applicant(s)**

KUMAR, JAINENDRA

**Examiner**

Jacob Lipman

**Art Unit**

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 29-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 29-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 29-50, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Le et al., US Patent number 5,883,956.

With regard to claims 29, 39, 43, and 47, Le discloses a cryptographic feature enablement system (column 10 lines 25-29), including a processing unit (column 10 line 29) a cryptographic chip (SPU, abstract) including circuitry configured to perform encryption and decryption for a plurality of cryptographic systems (column 7 lines 51-56) a non-volatile read/write memory storing an encrypted token (column 6 lines 51-53) including encrypted initialization data (column 5 lines 33-52) for enabling circuitry configured to perform one of the cryptographic systems in the cryptographic chip (column 4 line 65-column 5 line 4), a bus connecting the processing unit to the non-volatile memory and the cryptographic chip (column 6 lines 54-55) to transmit data between the processing unit, the non-volatile memory and the cryptographic chip, (Figure 1), and token authentication circuitry in the non-volatile memory to authenticate the encrypted initialization data in the encrypted token ( column 5 lines 39-52) wherein the initialization data enables the circuitry in the cryptographic chip to perform encryption and decryption of data for one of the plurality of cryptographic systems

(column 7 lines 51-56). Le does not disclose the initialization information should be decrypted, since it is not completely encrypted. Le does disclose that encrypting initialization information increases security (column 7 lines 5-15) and discloses the token should be secure for authentication reasons (column 5 lines 12-20). It would be obvious to one of ordinary skill in the art to encrypt the token to make it more secure while still proving authentication.

With regard to claims 31, 42, 46, and 50, Le discloses that the system-specific information can be the MAC address (column 6 lines 1-4).

With regard to claims 32, 41, 45, and 49, Le discloses hashing the public key with the device ID (column 11 lines 59-64), thus creating a private key. Le also discloses the possibility of using public/private keys (column 14 lines 7-43).

With regard to claims 33-38, Le discloses that the system has a default security level, and is being reconfigured (column 4 line 65-column 5 line 4).

With regard to claims 30, 40, 44, and 48, Le discloses a non-volatile memory, as outlined above, but does not specify a FLASH memory. The examiner takes official notice that flash memory is a commonly used type of non-volatile memory. It would have been obvious for one of ordinary skill in the art to use Le's cryptographic control in a system using FLASH memory to allow for dynamic capability control.

### ***Response to Arguments***

3. Applicant's arguments filed 31 March 2006 have been fully considered but they are not persuasive.

Applicant argues that Le does not teach the token decryption system, and that the examiner admits as much, but states that Le would be motivated to include encrypted initialization data. Applicant then goes on to argue that Le teaches away from storing the initialization data, and thus, "one skilled in the art would not be motivated to provide encrypted initialization to the non-volatile memory". There seems to be a gap in applicant's argument. Applicant states that Le teaching away from storing the data implies somehow that it should not be encrypted. This argument is not understood by the examiner. Further, Le teaches that there is a disadvantage to current systems, and that they should allow reconfiguration (column 3 lines 15-28), but that does not mean that Le teaches away from every and any aspect of current systems. Le does disclose in his system that the chip is stored in non-volatile memory (column 51-53), and it is reconfigurable. Nowhere in Le did the examiner find a reference to volatile memory.

#### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

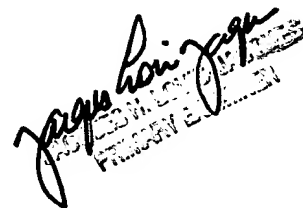
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Lipman whose telephone number is 571-272-3837. The examiner can normally be reached on M-Th 7 AM-3 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-Jacques can be reached on 571-272-6962. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JL

A handwritten signature in black ink, appearing to read "Jacques Louis-Jacques", is written over a faint, rectangular stamp. The stamp contains some illegible text, possibly a date or reference number.